

Inventor: Wolfe
U.S. Pat. Appl. No.: 09/603,306

Response to Office Action Mailed January 17, 2003

A. Claims in the Case

Claims 1-56 have been rejected. Claims 1-56 are pending.

B. The Claims Are Not Obvious Over Huffman in View of Kuwamoto Under 35 U.S.C. § 103(a)

The Examiner has rejected claims 1-4, 9, 16-20, 25, 30-34, 39, 46-49, and 56 as being obvious over U.S. Patent No. 5,870,711 to Huffman (hereinafter "Huffman") in view of U.S. Patent Application No. 5,870,711 to Kuwamoto et al. (hereinafter "Kuwamoto") under 35 U.S.C. § 103(a). Applicant respectfully disagrees with these rejections.

In order to reject a claim as obvious, the Examiner has the burden of establishing a *prima facie* case of obviousness. *In re Warner et al.*, 379 F.2d 1011, 154 U.S.P.Q. 173, 177-178 (C.C.P.A. 1967). To establish a *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP § 2143.03.

If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), MPEP § 2143.03.

Claim 1 describes a method that includes a combination of features including but not limited to:

an insurance claims processing program generating a request to display a message,
wherein the request comprises a requested message code; [and]

Inventor: Wolfe
U.S. Pat. Appl. No.: 09/603,306

displaying the matching message text corresponding to the requested message code, wherein the message text is configured to assist a user in processing an insurance claim using the insurance claims processing program.

Applicant's specification, states:

The insurance claim processing system may utilize insurance objects, which may be defined to represent or model real-world business features of insurance products and services. This includes a message object to represent messages related to claim processing. Examples of insurance objects may include, but are not limited to, objects representing the following: an insurance claim; an accident report; a settlement; an estimated claim; IC service facilities, customers, and employees; business process such as a new insurance application and calculation of a premium; interfaces to external insurance organizations; work tasks such as calculations, decisions, and assignments; temporal objects such as calendars, schedulers, and timers; and elemental data necessary to accomplish work tasks such as messages, medical costs, risk factors, etc.

(Specification, page 10, lines 15-25)

The Examiner states

As per claim 1, Huffman teaches a method comprising: an insurance claims processing program generating a request to display a message wherein the message text is configured to assist a user in processing an insurance claim using the insurance claims processing program ...

Applicant respectfully disagrees that Huffman teaches these features.

Applicant's claims are directed to an insurance claims processing program. The term "insurance," as defined in Merriam-Webster's Collegiate Dictionary, is "coverage by contract whereby one party undertakes to indemnify or guarantee another against loss by a specified contingency or peril." Applicant submits that Huffman does not appear to teach or suggest the combination of features in Applicant's claims, including the feature of "an insurance claims processing program generating a request to display a message, wherein the request comprises a

Inventor: Wolfe
U.S. Pat. Appl. No.: 09/603,306

requested message code" and/or "displaying the matching message text corresponding to the requested message code, wherein the message text is configured to assist a user in processing an insurance claim using the insurance claims processing program."

Huffman appears to teach a method and system for processing cargo claims. Huffman states:

The invention relates to a method and system for management of cargo claims, and more particularly, to an improved method and system for analyzing, processing, tracking and reporting cargo claims made to a cargo carrier.
(Huffman, Col. 1, lines 5-8)

and

The high volume of cargo transported in today's market-place has created a demand for quick and accurate resolution of a customer's claim that the customer's cargo has been lost or damaged.
(Huffman, Col. 1, lines 11-14)

Applicant submits that Huffman appears to teach a method of processing cargo claims. Huffman appears to teach that such claims are requests for remuneration for lost or damaged goods. Huffman, however, does not appear to teach or suggest that such claims are an "insurance" claim filed by the user. Applicant's specification discusses the specialized nature of insurance claims processing:

Insurance companies have been processing and settling claims associated with bodily injury for a long time. The task of evaluating, analyzing or estimating the amount of damage associated with one or more types of bodily injuries, especially trauma-induced bodily injuries, can be very complex. Complexity in the evaluation process often arises out of the fact that concurrent expertise in legal, medical and insurance fields is often required to arrive at a particular decision involving a bodily injury claim.

The processing of insurance claims, especially bodily injury related insurance claims, is typically performed by one or more computers included in a

Inventor: Wolfe
U.S. Pat. Appl. No.: 09/603,306

computer system. The user typically interacts with the insurance claim processing computer system using a computer coupled to a display terminal and a keyboard. An application software program, which typically executes on a computer linked to the insurance claim processing computer system, provides the functionality to perform the processing of insurance claims. The process of determining an estimated amount of the claim associated with a bodily injury is typically interactive. The user may provide inputs to the insurance claim processing computer system by specifying the type or extent of bodily injury, describing the nature of treatments, etc.
(Specification, page 1, 11-27)

Thus, Applicant submits that Huffman does not appear to teach or suggest the features including but not limited to "an insurance claims processing program generating a request to display a message, wherein the request comprises a requested message code" and/or "displaying the matching message text corresponding to the requested message code, wherein the message text is configured to assist a user in processing an insurance claim using the insurance claims processing program."

Furthermore, Applicant submits that Huffman does not appear to teach or suggest the generation of messages to aid in the processing of an insurance claim. Applicant's specification states, for example:

The messages associated with the processing of insurance claims are primarily used to obtain inputs from the user of the claims processing computer system. Messages, which are typically displayed on a display screen, may include questions, answers, errors, warnings, and other text used with interactive claims processing.
(Specification, page 4, lines 6-10)

Applicant submits that Huffman does not appear to teach this feature in combination with the other features of Applicant's claims. The Examiner cites various sections of Huffman in support of her assertion. For example, the Examiner cites Huffman, col. 7, lines 38-44 which states:

Inventor: Wolfe
U.S. Pat. Appl. No.: 09/603,306

If the adjuster requires more information from the claimant or other company stations, from the process work queue workstation the adjusters can place the folder in a suspense work queue 35 and create a letter requesting this additional information. This function allows the user to request any additional information needed to further process the cargo claim.

Applicant submits that neither the above-recited section, nor any other cited section of Huffman appear to teach displaying messages to a user of an insurance processing system where the message text is "configured to assist a user in processing an insurance claim." Applicant respectfully requests that the Examiner particularly point out where in Huffman the feature of displaying such messages is taught or suggested.

The Examiner further states:

Huffman fails to explicitly disclose: ... displaying the matching message text corresponding to the requested message code. Kuwamoto teaches ... displaying the matching message text corresponding to the requested message code.

Applicant submits that Huffman does not appear to teach or suggest a combination of features of Applicant's claims including the feature of displaying messages to assist a user in processing an insurance claim. The Examiner cites Kuwamoto to remedy the deficiencies of Huffman, stating that:

It would be obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Huffman ... by Kuwamoto, with the motivation of providing a method and a system of help-information control whereby the help facility is implemented so that the processing overhead on application programs is minimized, with the contents of help messages for display being readily modified in accordance with any changes in or additions to application program functions.
(Office Action, page 4)

Applicant submits that there is no motivation in Huffman to include any help message system, including the help message system of Huffman.

Inventor: Wolfe
U.S. Pat. Appl. No.: 09/603,306

Obviousness can only be established by "showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teaching of the references." *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

Whether or not "a particular combination might be 'obvious to try' is not a legitimate test of patentability." *Id.* at 1599, citing *In re Geiger*, 815 F.2d 868, 688, 2 USPQ2d 1276, 1278 (Fed. Cir. 1987) and *In re Goodwin*, 576 F.2d 375, 377, 198 USPQ 871, 881 (CCPA 1981).

Consequently, it is not permissible for the Examiner to "use hindsight reconstruction to pick and chose among isolated disclosures in the prior art to deprecate the claimed invention." *Id.* at 1600.

Claim 17 describes a combination of features including but not limited to:

a memory coupled to the CPU, wherein the memory stores an insurance claims processing program which is executable by the CPU;

wherein the memory stores program instructions which are executable by the CPU to:
generate a request to display a message, wherein the request comprises a requested message code;

display the matching message text corresponding to the requested message code on the display device, wherein the message text is configured to assist a user in processing an insurance claim using the insurance claims processing program.

For at least the reasons discussed in reference to claim 1, Applicant submits that the combination of Huffman and Kuwamoto does not appear to teach or suggest all of the features of Applicant's claim 17.

Claim 31 describes a combination of features including but not limited to:

Inventor: Wolfe
U.S. Pat. Appl. No.: 09/603,306

displaying the matching message text corresponding to the requested message code,
wherein the message text is configured to assist a user in processing an insurance
claim using the insurance claims processing program.

For at least the reasons discussed in reference to claim 1, Applicant submits that the combination
of Huffman and Kuwamoto does not appear to teach or suggest all of the features of Applicant's
claim 31.

Claim 47 describes a combination of features including but not limited to:

installing an insurance claims processing program on at least one of a plurality of
computer systems operated by an insurance organization, wherein the insurance
claims processing program is configured to assist a user employed by the
insurance organization in processing insurance claims;

installing a message database on at least one of the plurality of computer systems
operated by the insurance organization, wherein the message database comprises
a plurality of entries, wherein each entry comprises a message code and a
corresponding message text, and wherein the messages are configured to assist the
user in said processing the insurance claims using the insurance claims processing
program;

For at least the reasons discussed in reference to claim 1, Applicant submits that the combination
of Huffman and Kuwamoto does not appear to teach or suggest all of the features of Applicant's
claim 47.

**C. The Claims Are Not Obvious Over Huffman in View of Kuwamoto And Further In
View of Ertel Under 35 U.S.C. § 103(a)**

The Examiner has rejected claims 5, 11-13, 15, 21, 27-29, 35, 41-43, 45, 50, and 53-55 as
being obvious over Huffman in view of Kuwamoto and further in view of U.S. Patent No.
5,307,262 to Ertel (hereinafter "Ertel") under 35 U.S.C. § 103(a). For at least the reasons cited
above, Applicant submits that the claims are patentable over the cited art.

Inventor: Wolfe
U.S. Pat. Appl. No.: 09/603,306

D. The Claims Are Not Obvious Over Huffman in View of Kuwamoto And Further In View of Winans Under 35 U.S.C. § 103(a)

The Examiner has rejected claims 6, 22, 36, and 51 as being obvious over Huffman in view of Kuwamoto and further in view of U.S. Patent No. 5,307,265 to Winans (hereinafter "Winans") under 35 U.S.C. § 103(a). For at least the reasons cited above, Applicant submits that the claims are patentable over the cited art.

E. The Claims Are Not Obvious Over Huffman in View of Kuwamoto And Further In View of McGauley Under 35 U.S.C. § 103(a)

The Examiner has rejected claims 7-8, 23-24, and 37-38 as being obvious over Huffman in view of Kuwamoto and further in view of U.S. Patent No. 5,899,998 to McGauley (hereinafter "McGauley") under 35 U.S.C. § 103(a). For at least the reasons cited above, Applicant submits that the claims are patentable over the cited art.

F. The Claims Are Not Obvious Over Huffman in View of Kuwamoto And Further In View of Abbruzzese Under 35 U.S.C. § 103(a)

The Examiner has rejected claims 5, 11-13, 15, 21, 27-29, 35, 41-43, 45, 50, 53-55 as being obvious over Huffman in view of Kuwamoto and further in view of U.S. Patent No. 5,557,515 to Abbruzzese (hereinafter "Abbruzzese") under 35 U.S.C. § 103(a). For at least the reasons cited above, Applicant submits that the claims are patentable over the cited art.

G. Many Of The Dependent Claims Are Separately Patentable

Inventor: Wolfe
U.S. Pat. Appl. No.: 09/603,306

The Examiner is also respectfully requested to separately consider each of the dependent claims for patentability. Many of the dependent claims in addition to those mentioned above are independently patentable.

For instance, claim 2 recites in part "specifying the message text of each entry in the database during an installation of the insurance claims processing program on a computer system." Applicant submits that this feature, in combination with the features of the independent claims, does not appear to be taught or suggested by the cited art.

Claim 3 recites in part "specifying the message text of each entry in the database during an installation of the database on a computer system." Applicant submits that this feature, in combination with the features of the independent claims, does not appear to be taught or suggested by the cited art.

Claim 4 recites in part "updating the message text of each entry in the database by re-installing the database on the computer system without re-installing the insurance claims processing program on the computer system." Applicant submits that this feature, in combination with the features of the independent claims, does not appear to be taught or suggested by the cited art.

Claim 5 recites in part "customizing the message text of one or more entries in the database for a particular insurance organization during an installation of the insurance claims processing program on a computer system." Applicant submits that this feature, in combination with the features of the independent claims, does not appear to be taught or suggested by the cited art.

Claim 6 recites in part "wherein the message text of one or more entries in the database is localized for use in a particular geographical location." Applicant submits that this feature, in

Inventor: Wolfe
U.S. Pat. Appl. No.: 09/603,306

combination with the features of the independent claims, does not appear to be taught or suggested by the cited art.

Claim 7 recites in part "wherein the database comprises a relational database." Applicant submits that this feature, in combination with the features of the independent claims, does not appear to be taught or suggested by the cited art.

Claim 8 recites in part "wherein the database comprises an object-oriented database." Applicant submits that this feature, in combination with the features of the independent claims, does not appear to be taught or suggested by the cited art.

Claim 9 recites in part "wherein each message code comprises a message section and a message code identifier." Applicant submits that this feature, in combination with the features of the independent claims, does not appear to be taught or suggested by the cited art.

Claim 10 recites in part "wherein the insurance claim comprises a bodily injury claim, and wherein said processing the insurance claim comprises processing the bodily injury claim to estimate a bodily injury general damages value." Applicant submits that this feature, in combination with the features of the independent claims, does not appear to be taught or suggested by the cited art.

Claim 11 recites in part "wherein the requested message text comprises information relevant to an estimate of a value of the insurance claim." Applicant submits that this feature, in combination with the features of the independent claims, does not appear to be taught or suggested by the cited art.

Claim 12 recites in part "wherein the requested message code comprises an injury code which identifies a specific bodily injury, and wherein the requested message text comprises a

Inventor: Wolfe
U.S. Pat. Appl. No.: 09/603,306

name of the specific bodily injury." Applicant submits that this feature, in combination with the features of the independent claims, does not appear to be taught or suggested by the cited art.

Claim 13 recites in part "wherein the requested message code comprises a treatment code which identifies a specific injury treatment, and wherein the requested message text comprises a name of the specific injury treatment." Applicant submits that this feature, in combination with the features of the independent claims, does not appear to be taught or suggested by the cited art.

Claim 14 recites in part "wherein said displaying the matching message text corresponding to the requested message code comprises the insurance claims processing program displaying the matching message text corresponding to the requested message code." Applicant submits that this feature, in combination with the features of the independent claims, does not appear to be taught or suggested by the cited art.

Claim 15 recites in part "wherein said displaying the matching message text corresponding to the requested message code comprises displaying the matching message text on a display device coupled to a computer system." Applicant submits that this feature, in combination with the features of the independent claims, does not appear to be taught or suggested by the cited art.

Claim 16 recites in part "wherein each message code comprises a sequence of alphanumeric values, wherein each sequence is unique relative to the other sequences." Applicant submits that this feature, in combination with the features of the independent claims, does not appear to be taught or suggested by the cited art.

Claim 48 recites in part "wherein said installing the message database comprises specifying the message text of each entry in the message database." Applicant submits that this

Inventor: Wolfe
U.S. Pat. Appl. No.: 09/603,306

feature, in combination with the features of the independent claims, does not appear to be taught or suggested by the cited art.

Claim 50 recites in part "customizing the message text of one or more entries in the message database for the insurance organization prior to said installing the message database." Applicant submits that this feature, in combination with the features of the independent claims, does not appear to be taught or suggested by the cited art.

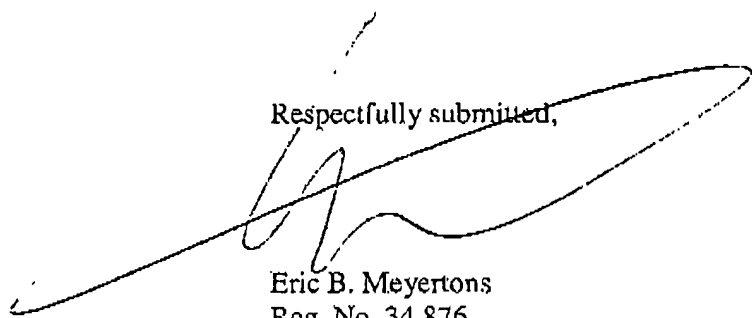
H. Summary

Based on the above, Applicant submits that all of the claims are now in condition for allowance. Favorable reconsideration is respectfully requested.

Inventor: Wolfe
U.S. Pat. Appl. No.: 09/603,306

Applicant respectfully requests a one-month extension of time to respond to the Office Action dated January 17, 2003. A fee authorization form in the amount of \$110.00 is enclosed for the extension of time fee. If any further extension of time is required, Applicant hereby requests the appropriate extension of time. If any fees are inadvertently omitted or if any additional fees are required or have been overpaid, please appropriately charge or credit those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel Deposit Account No. 50-1505/5053-36200/EBM

Respectfully submitted,



Eric B. Meyertons
Reg. No. 34,876

Attorney for Applicant (s)

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN, TX 78767-0398
(512) 853-8800 (voice)
(512) 853-8801 (facsimile)

Date: 5-19-03